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UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF VIRGINIA

CHAPTER 13 PLAN AND RELATED MOTIONS

Name of Debtor(s): Tracey Lassett Goldsmith	Case No:	17-70377-FJS
This plan, dated <u>February 6, 2017</u> , is:		
the <i>first</i> Chapter 13 plan filed in this case. a modified Plan, which replaces the confirmed or unconfirmed Plan dated.		
Date and Time of Modified Plan Confirming Hearing:		
Place of Modified Plan Confirmation Hearing:		
The Plan provisions modified by this filing are:		
Creditors affected by this modification are:		

NOTICE: YOUR RIGHTS WILL BE AFFECTED. You should read these papers carefully. If you oppose any provision of this Plan, or if you oppose any included motions to (i) value collateral, (ii) avoid liens, or (iii) assume or reject unexpired leases or executory contracts, you MUST file a timely written objection.

This Plan may be confirmed and become binding, and the included motions in paragraphs 3, 6, and 7 to value collateral, avoid liens, and assume or reject unexpired leases or executory contracts may be granted, without further notice or hearing unless a written objection is filed not later than seven (7) days prior to the date set for the confirmation hearing and the objecting party appears at the confirmation hearing.

The debtor(s)' schedules list assets and liabilities as follows:

Total Assets: \$188,420.34

Total Non-Priority Unsecured Debt: \$27,546.10

Total Priority Debt: **\$0.00**Total Secured Debt: **\$183,375.00**

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- 1. Funding of Plan. The debtor(s) propose to pay the trustee the sum of \$197.00 Monthly for 25 months, then \$427.00 Monthly for 13 months, then \$957.00 Monthly for 22 months. Other payments to the Trustee are as follows: NONE. The total amount to be paid into the plan is \$ 31,530.00.
- 2. **Priority Creditors.** The Trustee shall pay allowed priority claims in full unless the creditor agrees otherwise.
 - A. Administrative Claims under 11 U.S.C. § 1326.
 - 1. The Trustee will be paid the percentage fee fixed under 28 U.S.C. § 586(e), not to exceed 10%, of all sums disbursed except for funds returned to the debtor(s).
 - 2. Debtor(s)' attorney will be paid \$_4,660.00 balance due of the total fee of \$_5,100.00 concurrently with or prior to the payments to remaining creditors.
 - B. Claims under 11 U.S.C. §507.

The following priority creditors will be paid by deferred cash payments pro rata with other priority creditors or in monthly installments as below, except that allowed claims pursuant to 11 U.S.C. § 507(a)(1) will be paid prior to other priority creditors but concurrently with administrative claims above:

<u>Creditor</u> <u>Type of Priority</u> <u>Estimated Claim</u> <u>Payment and Term</u>

- 3. Secured Creditors: Motions to Value Collateral ("Cramdown"), Collateral being Surrendered, Adequate Protection Payments, and Payment of certain Secured Claims.
 - A. Motions to Value Collateral (other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) or by the final paragraph of 11 U.S.C. § 1325(a)). Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion to value collateral as set forth herein.

This section deals with valuation of certain claims secured by real and/or personal property, other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) [real estate which is debtor(s)' principal residence] or by the final paragraph of 11 U.S.C. § 1325(a) [motor vehicles purchased within 910 days or any other thing of value purchased within 1 year before filing bankruptcy], in which the replacement value is asserted to be less than the amount owing on the debt. Such debts will be treated as secured claims only to the extent of the replacement value of the collateral. That value will be paid with interest as provided in sub-section D of this section. You must refer to section 3(D) below to determine the interest rate, monthly payment and estimated term of repayment of any "crammed down" loan. The deficiency balance owed on such a loan will be treated as an unsecured claim to be paid only to the extent provided in section 4 of the Plan. The following secured claims are to be "crammed down" to the following values:

<u>Creditor</u> <u>Collateral</u> <u>Purchase Date</u> <u>Est Debt Bal.</u> <u>Replacement Value</u> -NONE-

B. Real or Personal Property to be Surrendered.

Upon confirmation of the Plan, or before, the debtor(s) will surrender his/her/their interest in the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy the claim, any timely filed deficiency claim to which the creditor is entitled may be paid as a non-priority unsecured claim. Confirmation of the Plan shall terminate the automatic stay as to the interest of the debtor(s) and the estate in the collateral.

<u>Creditor</u> <u>Collateral Description</u> <u>Estimated Value</u> <u>Estimated Total Claim</u>

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C. Adequate Protection Payments.

The debtor(s) propose to make adequate protection payments required by 11 U.S.C. § 1326(a) or otherwise upon claims secured by personal property, until the commencement of payments provided for in sections 3(D) and/or 6(B) of the Plan, as follows:

Creditor Collateral Description Adeq. Protection Monthly Payment To Be Paid By

-NONE-

Any adequate protection payment upon an unexpired lease of personal property assumed by the debtor(s) pursuant to section 6(B) of the Plan shall be made by the debtor(s) as required by 11 U.S.C. § 1326(a)(1)(B) (payments coming due after the order for relief).

D. Payment of Secured Claims on Property Being Retained (except only those loans provided for in section 5 of the Plan):

This section deals with payment of debts secured by real and/or personal property [including short term obligations, judgments, tax liens and other secured debts]. After confirmation of the Plan, the Trustee will pay to the holder of each allowed secured claim, which will be either the balance owed on the indebtedness or, where applicable, the collateral's replacement value as specified in sub-section A of this section, whichever is less, with interest at the rate provided below, the monthly payment specified below until the amount of the secured claim has been paid in full. Upon confirmation of the Plan, the valuation and interest rate shown below will be binding unless a timely written objection to confirmation is filed with and sustained by the Court.

Approx. Bal. of Debt or Creditor Collateral Collateral Approx. Bal. of Debt or Creditor Crammed Down" Value Rate Monthly Paymt & Est. Term**

E. Other Debts.

Debts which are (i) mortgage loans secured by real estate which is the debtor(s)' primary residence, or (ii) other long term obligations, whether secured or unsecured, to be continued upon the existing contract terms with any existing default in payments to be cured pursuant to 11 U.S.C. § 1322(b)(5), are provided for in section 5 of the Plan.

4. Unsecured Claims.

- A. Not separately classified. Allowed non-priority unsecured claims shall be paid pro rata from any distribution remaining after disbursement to allowed secured and priority claims. Estimated distribution is approximately __49__%. The dividend percentage may vary depending on actual claims filed. If this case were liquidated under Chapter 7, the debtor(s) estimate that unsecured creditors would receive a dividend of approximately __0__%.
- B. Separately classified unsecured claims.

<u>Creditor</u> <u>Basis for Classification</u> <u>Treatment</u>

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- 5. Mortgage Loans Secured by Real Property Constituting the Debtor(s)' Primary Residence; Other Long Term Payment Obligations, whether secured or unsecured, to be continued upon existing contract terms; Curing of any existing default under 11 U.S.C. § 1322(b)(5).
 - A. Debtor(s) to make regular contract payments; arrears, if any, to be paid by Trustee. The creditors listed below will be paid by the debtor(s) pursuant to the contract without modification, except that arrearages, if any, will be paid by the Trustee either pro rata with other secured claims or on a fixed monthly basis as indicated below, without interest unless an interest rate is designated below for interest to be paid on the arrearage claim and such interest is provided for in the loan agreement.

		Regular		Arrearage		Monthly
		Contract	Estimated	Interest	Estimated	Arrearage
Creditor	<u>Collateral</u>	Payment	<u>Arrearage</u>	Rate	Cure Period	Payment
Aaron's, Inc.	Furniture with Aaron's:	230.00	0.00	0%	0 months	
	washer, dryer, refrigerator, television (1)					
Fidelity Bank	500 D. Street Chesapeake, VA	1,165.00	10,200.25	0%	20 months	Prorata
	23324 Chesapeake City County					
Santander Consumer	2016 Nissan Sentra 12500 miles	530.00	0.00	0%	0 months	

B. Trustee to make contract payments and cure arrears, if any. The Trustee shall pay the creditors listed below the regular contract monthly payments that come due during the period of this Plan, and pre-petition arrearages on such debts shall be cured by the Trustee either pro rata with other secured claims or with monthly payments as set forth below.

		Regular Contract	Estimated Interest	Term for	Monthly Arrearage
Creditor	<u>Collateral</u>	Payment	Arrearage Rate	Arrearage	Payment Payment
-NONE-					

C. Restructured Mortgage Loans to be paid fully during term of Plan. Any mortgage loan against real estate constituting the debtor(s)' principal residence upon which the last scheduled contract payment is due before the final payment under the Plan is due shall be paid by the Trustee during the term of the Plan as permitted by 11 U.S.C. § 1322(c)(2) with interest at the rate specified below as follows:

		Interest	Estimated	
Creditor	<u>Collateral</u>	Rate	<u>Claim</u>	Monthly Paymt& Est. Term**
-NONE-				

- **6. Unexpired Leases and Executory Contracts.** The debtor(s) move for assumption or rejection of the executory contracts and leases listed below.
 - A. Executory contracts and unexpired leases to be rejected. The debtor(s) reject the following executory contracts.

Creditor	Type of Contract
-NONE-	

B. Executory contracts and unexpired leases to be assumed. The debtor(s) assume the following executory contracts. The debtor agrees to abide by all terms of the agreement. The Trustee will pay the pre-petition arrearages, if any, through payments made pro rata with other priority claims or on a fixed monthly basis as indicated below.

			Monthly	
			Payment	Estimated
<u>Creditor</u>	Type of Contract	Arrearage	for Arrears	Cure Period
Aaron's, Inc.	Furniture Lease	None	N/A	

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7. Liens Which Debtor(s) Seek to A

A. The debtor(s) move to avoid liens pursuant to 11 U.S.C. § 522(f). The debtor(s) move to avoid the following judicial liens and non-possessory, non-purchase money liens that impair the debtor(s)' exemptions. Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion and cancel the creditor's lien. If an objection is filed, the Court will hear evidence and rule on the motion at the confirmation hearing.

Creditor -NONE-

Collateral

Exemption Amount

Value of Collateral

B. Avoidance of security interests or liens on grounds other than 11 U.S.C. § 522(f). The debtor(s) have filed or will file and serve separate pleadings to avoid the following liens or security interests. The creditor should review the notice or summons accompanying such pleadings as to the requirements for opposing such relief. The listing here is for information purposes only.

Creditor -NONE-

Type of Lien

Description of Collateral

Basis for Avoidance

- 8. Treatment and Payment of Claims.
 - All creditors must timely file a proof of claim to receive payment from the Trustee.
 - If a claim is scheduled as unsecured and the creditor files a claim alleging the claim is secured but does not timely object to confirmation of the Plan, the creditor may be treated as unsecured for purposes of distribution under the Plan. This paragraph does not limit the right of the creditor to enforce its lien, to the extent not avoided or provided for in this case, after the debtor(s) receive a discharge.
 - If a claim is listed in the plan as secured and the creditor files a proof of claim alleging the claim is unsecured, the creditor will be treated as unsecured for purposes of distribution under the Plan.
 - The Trustee may adjust the monthly disbursement amount as needed to pay an allowed secured claim in full.
- 9. Vesting of Property of the Estate. Property of the estate shall revest in the debtor(s) upon confirmation of the Plan. Notwithstanding such vesting, the debtor(s) may not sell, refinance, encumber real property or enter into a mortgage loan modification without approval of the Court after notice to the Trustee, any creditor who has filed a request for notice and other creditors to the extent required by the Local Rules of this Court.
- **10. Incurrence of indebtedness.** The debtor(s) shall not voluntarily incur additional indebtedness exceeding the cumulative total of \$5,000 principal amount during the term of this Plan, either unsecured or secured against personal property, except upon approval of the Court after notice to the Trustee, any creditor who has filed a request for notice, and other creditors to the extent required by the Local Rules of this Court.
- 11. Other provisions of this plan:

The \$230.00 step up in month 26 is because the Aaron's furniture will be paid off.

The \$530.00 step up in month 39 is because the car will be paid off.

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Dated: February 6, 2017	
/s/ Tracey Lassett Goldsmith	/s/ John E. Bedi
Tracey Lassett Goldsmith	John E. Bedi
Debtor	Debtor's Attorney

Exhibits: Copy of Debtor(s)' Budget (Schedules I and J);

Matrix of Parties Served with Plan

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Certificate of Service

I certify that on February 14, 2017, I mailed a copy of the foregoing to the creditors and parties in interest on the attached Service List.

> /s/ John E. Bedi John E. Bedi

Signature

Lake Center 1

501 Independence Pkwy., Ste. 102 Chesapeake, VA 23320

Address

(757) 497-9075

Telephone No.

Ver. 09/17/09 [effective 12/01/09]

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Fill	in this information to identify your c	ase:			
Del	otor 1 Tracey Lass	sett Goldsmith			
	otor 2				
Uni	ted States Bankruptcy Court for the	EASTERN DISTRICT	OF VIRGINIA		
Cas	se number 17-70377-FJS			Check if this is:	
(If kr	nown)		-	☐ An amende	d filing
_					ent showing postpetition chapter as of the following date:
O.	fficial Form 106I			MM / DD/ Y	YYY
S	chedule I: Your Inc	ome			12/15
spo atta	plying correct information. If you use. If you are separated and you ch a separate sheet to this form. t1: Describe Employment	ır spouse is not filing w	ith you, do not include informati	on about your spo	use. If more space is needed,
1.	Fill in your employment information.		Debtor 1	Debtor 2	or non-filing spouse
	If you have more than one job,	Employment status	■ Employed	■ Emplo	pyed
	attach a separate page with information about additional	Employment status	☐ Not employed	☐ Not er	mployed
	employers.	Occupation	HR Sergeant		
	Include part-time, seasonal, or self-employed work.	Employer's name	U. S. Army		
	Occupation may include student or homemaker, if it applies.	Employer's address	3200 Elmhurst Lane Portsmouth, VA 23701		
		How long employed t	here? <u>17 years</u>		
Par	t 2: Give Details About Mor	nthly Income			
	mate monthly income as of the duse unless you are separated.	ate you file this form. If	you have nothing to report for any	line, write \$0 in the	space. Include your non-filing
	u or your non-filing spouse have me e space, attach a separate sheet to		ombine the information for all empl	oyers for that perso	n on the lines below. If you need
				For Debtor 1	For Debtor 2 or non-filing spouse
2.	List monthly gross wages, sala deductions). If not paid monthly,			4,776.00	\$

3.

0.00

4,776.00

+\$

\$

0.00

0.00

Estimate and list monthly overtime pay.

Calculate gross Income. Add line 2 + line 3.

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Debt	or 1	Tracey Lassett Goldsmith	_	С	Case number (if known)	17-70)377-F	JS	
			_						
						_		_	
					For Debtor 1		Debtor		
	0	w line 4 have	4		¢ 4.770.00		filing s	•	_
	Сор	y line 4 here	4.		\$ 4,776.00	\$		0.00	<u>)</u>
5.	Liet	all payroll deductions:							
5.						_			
	5a.	Tax, Medicare, and Social Security deductions	5a.		\$ 376.08	\$		0.00	_
	5b.	Mandatory contributions for retirement plans	5b.		\$ 0.00	\$		0.00	_
	5c.	Voluntary contributions for retirement plans	5c.		\$ 63.32	\$		0.00	_
	5d.	Required repayments of retirement fund loans	5d.		\$0.00_	\$		0.00	
	5e.	Insurance	5e.		\$ 29.00	\$		0.00	
	5f.	Domestic support obligations	5f.		\$ 0.00	\$		0.00	_
	5g.	Union dues	5g.		\$ 0.00	\$		0.00	_
	5h.	Other deductions. Specify:	5h	+	\$	+ \$		0.00	<u>) </u>
6.	Add	the payroll deductions. Add lines 5a+5b+5c+5d+5e+5f+5g+5h.	6.	,	\$ 468.40	\$		0.00	<u>) </u>
7.	Cald	culate total monthly take-home pay. Subtract line 6 from line 4.	7.	,	\$ 4,307.60	\$		0.00	<u>) </u>
8.		all other income regularly received:							
	8a.	Net income from rental property and from operating a business, profession, or farm							
		Attach a statement for each property and business showing gross							
		receipts, ordinary and necessary business expenses, and the total							
		monthly net income.	8a.		\$ 0.00	\$		0.00)
	8b.	Interest and dividends	8b.		\$ 0.00	\$		0.00)
	8c.	Family support payments that you, a non-filing spouse, or a dependent							
		regularly receive							
		Include alimony, spousal support, child support, maintenance, divorce settlement, and property settlement.	8c.		\$ 200.00	\$		0.00	
	8d.	Unemployment compensation	8d.		\$ 0.00	- \$ -		0.00	
	8e.	Social Security	8e.		\$ 0.00	\$		0.00	_
	8f.	Other government assistance that you regularly receive	00.		Ψ	Ψ		0.00	<u>*</u>
	01.	Include cash assistance and the value (if known) of any non-cash assistance	:						
		that you receive, such as food stamps (benefits under the Supplemental							
		Nutrition Assistance Program) or housing subsidies.			_				
	_	Specify:	_ 8f.		\$0.00	\$		0.00	
	8g.	Pension or retirement income	8g.		\$ 0.00	\$		0.00	_
	8h.	Other monthly income. Specify: Pro-Rated Tax Refund	8h	+	\$ 40.00	+ \$		0.00	<u>) </u>
•		all ather transports A L L III and a D L O D O D O D O D	_		242.22				
9.	Add	all other income. Add lines 8a+8b+8c+8d+8e+8f+8g+8h.	9.	\$	240.00	\$_		0.0	00
			_	_		,			
10.	Calc	culate monthly income. Add line 7 + line 9.	10. \$	5	4,547.60 + \$		0.00	= \$	4,547.60
	Add	the entries in line 10 for Debtor 1 and Debtor 2 or non-filing spouse.							
11	Stat	e all other regular contributions to the expenses that you list in Schedule	.1.						
		ide contributions from an unmarried partner, members of your household, your		nde	ents, your roommate	s, and			
	othe	r friends or relatives.			•				
		not include any amounts already included in lines 2-10 or amounts that are not a	availal	ble	to pay expenses list	ed in S		_	
	Spe	cify:					11.	+\$	0.00
40		the amount to the last actions of the 100 of					Ţ		
12.		the amount in the last column of line 10 to the amount in line 11. The rese that amount on the Summary of Schedules and Statistical Summary of Certain							
	appl		II LIAL	JIIIU	les and Related Data	<i>a</i> , 11 IL	12.	\$	4,547.60
	аррі						Į		
								Combi	
13.	Dov	ou expect an increase or decrease within the year after you file this form	?					month	ly income
،ن.		No.	•						
	_	Yes. Explain: Child support will end June 2017							

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E-11-				· · · · · · · · · · · · · · · · · · ·				
Fill	in this informa	tion to identify yo	our case:			1		
Deb	tor 1	Tracey Lass	ett Golds	mith			eck if this is:	
Debtor 2							An amended filin A supplement sh	g owing postpetition chapter
(Spo	ouse, if filing)					"		of the following date:
Unit	ed States Bankr	uptcy Court for the	: EASTE	RN DISTRICT OF VIRGI	INIA		MM / DD / YYYY	
Cas	e number 17	7-70377-FJS						
(If kı	nown)							
Of	fficial Fo	rm 106J						
		J: Your	Exper	ises				12/15
Be info	as complete a ormation. If m nber (if know	and accurate as ore space is ne n). Answer eve	s possible eded, atta ry questio	. If two married people a	are filing together, b s form. On the top o	oth are eq f any addit	ually responsible tional pages, write	for supplying correct e your name and case
Pari	t 1: Descr Is this a joir	ibe Your House	hold					
١.	No. Go to							
			in a separ	ate household?				
	□N							
			st file Offici	al Form 106J-2, Expense	es for Separate Hous	ehold of De	ebtor 2.	
2.	Do vou have	e dependents?	□ No					
	Do not list D Debtor 2.	•	Yes.	Fill out this information for each dependent	Dependent's relat Debtor 1 or Debto		Dependent's age	Does dependent live with you?
	Do not state	the						□ No
	dependents				Son		12	■ Yes
								□ No
					Son		17	_ Yes
								□ No □ Yes
								_
								☐ Yes
3.		enses include	. =	No				_
		f people other t d your depende		Yes				
exp	imate your ex		our bankr	uptcy filing date unless				hapter 13 case to report of the form and fill in the
Incl	ude expense	s paid for with	non-cash	government assistance	if you know			
the		n assistance an		luded it on Schedule I:			Your ex	penses
		,						
4.		or home owners and any rent for th		ses for your residence. or lot.	Include first mortgag	e 4.	\$	1,165.00
	If not includ	led in line 4:						
	4a. Real e	estate taxes				4a.	\$	0.00
		rty, homeowner's				4b.		0.00
		•		upkeep expenses		4c.		20.00
5.		owner's associat		dominium dues our residence, such as h	nome equity loans	4d. 5.	·	0.00 0.00
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6a.	¢	
6a.	¢	
٠		175.00
6b.	\$	150.00
6c.	·	400.00
	·	0.00
		600.00
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15d.	\$	0.00
16.	\$	0.00
17a.	\$	530.00
17b.	\$	0.00
17c.	\$	230.00
17d.	\$	0.00
	·	
18.	\$	0.00
	\$	0.00
19.		
	ur Income.	
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23c	\$	197.60
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Aaron's, Inc. c/o John W. Robinson III, CEO 309 E Paces Ferry Rd. NE Atlanta, GA 30305-2367

AFNI 404 Brock Drive P.O. Box 3427 Bloomington, IL 61702

Buonassissi Henning & Lash PC 1861 Wiehle Ave, Ste. 300 Reston, VA 20190

Capital One Bank, USA c/o Richard D Fairbank, CEO 4851 Cox Road Glen Allen, VA 23060

Commonwealth of Virginia Department of Taxation PO Box 2156 Richmond, VA 23218

Continental Finance Co PO Box 8099 Newark, DE 19714

Fidelity Bank 100 East English Wichita, KS 67202

First Premier Bank c/o Dana Dykhouse, CEO 601 S Minnesota Ave Sioux Falls, SD 57104

HRSD 1434 Air Rail Ave Virginia Beach, VA 23455

Internal Revenue Service PO Box 7346 Philadelphia, PA 19101-7346 Loretta Lynch, Atty General U.S.Dept of Justice 950 Pennsylvania Ave., NW Washington, DC 20530-0001

Merrick Bank c/o Richard Urrutia, Pres. 10705 S. Jordan Gat., Ste. 200 South Jordan, UT 84095

Navy Federal Credit Union c/o Cutler Dawson, CEO 820 Follin Lane Vienna, VA 22180

Santander Consumer P.O. Box 961245 Fort Worth, TX 76161-1245

Sprint Headquarters
Attn: Bk Department
PO Box 7949
Overland Park, KS 66207-0949

Surge Mastercard P O Box 31292 Tampa, FL 33631-3292

Susan L. Watts 8000 World Trade Center 101 West Main Street Norfolk, VA 23510

Transworld System, Inc 507 Prudential Rd. Horsham, PA 19044

Virginia Dept of Taxation Attn: Stacy Russell P.O. Box 2156 Richmond, VA 23218